

## § 648.81

exemption in New York and Connecticut state waters and permitted to fish for skates may also possess and land skates in amounts not to exceed 10 percent, by weight, of all other species on board.

[69 FR 22951, Apr. 27, 2004]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 648.80, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

### § 648.81 NE multispecies closed areas and measures to protect EFH.

(a) *Closed Area I.* (1) No fishing vessel or person on a fishing vessel may enter, fish, or be in the area known as Closed Area I (copies of a chart depicting this area are available from the Regional Administrator upon request), as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (a)(2) and (i) of this section:

CLOSED AREA I

Point	N. lat.	W. long.
C11 .....	41°30'	69°23'
C12 .....	40°45'	68°45'
C13 .....	40°45'	68°30'
C14 .....	41°30'	68°30'
C11 .....	41°30'	69°23'

(2) Unless otherwise restricted under the EFH Closure(s) specified in paragraph (h) of this section, paragraph (a)(1) of this section does not apply to persons on fishing vessels or fishing vessels:

(i) Fishing with or using pot gear designed and used to take lobsters, or pot gear designed and used to take hagfish, provided that there is no retention of regulated species and no other gear on board capable of catching NE multispecies;

(ii) Fishing with or using pelagic longline gear or pelagic hook-and-line gear, or harpoon gear, provided that there is no retention of regulated species, and provided that there is no other gear on board capable of catching NE multispecies;

(iii) Fishing with pelagic midwater trawl gear, consistent with § 648.80(d), provided that the Regional Administrator shall review information pertaining to the bycatch of regulated NE

## 50 CFR Ch. VI (10–12 Edition)

multispecies and, if the Regional Administrator determines, on the basis of sea sampling data or other credible information for this fishery, that the bycatch of regulated multispecies exceeds, or is likely to exceed, 1 percent of herring and mackerel harvested, by weight, in the fishery or by any individual fishing operation, the Regional Administrator may place restrictions and conditions in the letter of authorization for any or all individual fishing operations or, after consulting with the Council, suspend or prohibit any or all midwater trawl activities in the closed areas;

(iv) Fishing with tuna purse seine gear, provided that there is no retention of NE multispecies, and provided there is no other gear on board gear capable of catching NE multispecies. If the Regional Administrator determines through credible information, that tuna purse seine vessels are adversely affecting habitat or NE multispecies stocks, the Regional Administrator may, through notice action, consistent with the Administrative Procedure Act, prohibit individual purse seine vessels or all purse seine vessels from the area; or

(v) Fishing in a SAP, in accordance with the provisions of § 648.85(b).

(vi) Fishing for scallops within the Closed Area I Access Area defined in § 648.59(b)(3) during the season specified in § 648.59(b)(4), and pursuant to the provisions specified in § 648.60.

(b) *Closed Area II.* (1) No fishing vessel or person on a fishing vessel may enter, fish, or be in the area known as Closed Area II (copies of a chart depicting this area are available from the Regional Administrator upon request), as defined by straight lines connecting the following points in the order stated, except as specified in paragraph (b)(2) of this section:

CLOSED AREA II

Point	N. lat.	W. long.
C111 .....	41°00'	67°20'
C112 .....	41°00'	66°35.8'
G5 .....	41°18.6'	66°24.8' <sup>1</sup>
C113 .....	42°22'	67°20' <sup>1</sup>
C111 .....	41°00'	67°20' <sup>1</sup>

<sup>1</sup> The U.S.-Canada Maritime Boundary.

## Fishery Conservation and Management

§ 648.81

(2) Unless otherwise restricted under the EFH Closure(s) specified in paragraph (h) of this section, paragraph (b)(1) of this section does not apply to persons on fishing vessels or fishing vessels—

(i) Fishing with gears as described in paragraphs (a)(2)(i) through (iii), and (a)(2)(v) of this section;

(ii) Fishing with tuna purse seine gear outside of the portion of CA II known as the Habitat Area of Particular Concern, as described in paragraph (h)(1)(v) of this section;

(iii) Fishing in the CA II Yellowtail Flounder/Haddock SAP or the Eastern U.S./Canada Haddock SAP Program as specified in § 648.85(b)(3)(ii) or (b)(8)(ii), respectively; or

(iv) Transiting the area, provided the vessel's fishing gear is stowed in accordance with the provisions of § 648.23(b); and

(A) The operator has determined, and a preponderance of available evidence indicates, that there is a compelling safety reason; or

(B) The vessel has declared into the Eastern U.S./Canada Area as specified in § 648.85(a)(3)(ii) and is transiting CA II in accordance with the provisions of § 648.85(a)(3)(vii).

(v) Fishing for scallops within the Closed Area II Access Area defined in § 648.59(c)(3), during the season specified in § 648.59(c)(4), and pursuant to the provisions specified in § 648.60.

(c) *Nantucket Lightship Closed Area.* (1) No fishing vessel or person on a fishing vessel may enter, fish, or be in the area known as the Nantucket Lightship Closed Area (copies of a chart depicting this area are available from the Regional Administrator upon request), as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (c)(2) and (i) of this section:

### NANTUCKET LIGHTSHIP CLOSED AREA

Point	N. lat.	W. long.
G10 .....	40°50'	69°00'
CN1 .....	40°20'	69°00'
CN2 .....	40°20'	70°20'
CN3 .....	40°50'	70°20'
G10 .....	40°50'	69°00'

(2) Unless otherwise restricted under the EFH Closure(s) specified in para-

graph (h) of this section, paragraph (c)(1) of this section does not apply to persons on fishing vessels or fishing vessels:

(i) Fishing with gears as described in paragraph (a)(2) of this section; or

(ii) Classified as charter, party or recreational vessel, provided that:

(A) If the vessel is a party or charter vessel, it has a letter of authorization issued by the Regional Administrator on board, which is valid from the date of issuance through a minimum duration of 7 days;

(B) Fish species managed by the NEFMC or MAFMC that are harvested or possessed by the vessel, are not sold or intended for trade, barter or sale, regardless of where the fish are caught; and

(C) The vessel has no gear other than rod and reel or handline gear on board.

(D) The vessel does not fish outside the Nantucket Lightship Closed Area during the period specified by the letter of authorization; or

(iii) Fishing with or using dredge gear designed and used to take surfclams or ocean quahogs, provided that there is no retention of regulated species and no other gear on board capable of catching NE multispecies.

(iv) Fishing for scallops within the Nantucket Lightship Access Area defined in § 648.59(d)(3), during the season specified in § 648.59(d)(4), and pursuant to the provisions specified in § 648.60.

(d) *Cashes Ledge Closure Area.* (1) No fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in, or on board a vessel in the area known as the Cashes Ledge Closure Area, as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (d)(2) and (i) of this section (a chart depicting this area is available from the Regional Administrator upon request):

### CASHES LEDGE CLOSURE AREA

Point	N. lat.	W. long.
CL1 .....	43°07'	69°02'
CL2 .....	42°49.5'	68°46'
CL3 .....	42°46.5'	68°50.5'
CL4 .....	42°43.5'	68°58.5'
CL5 .....	42°42.5'	69°17.5'
CL6 .....	42°49.5'	69°26'

§ 648.81

CASHES LEDGE CLOSURE AREA—Continued

Point	N. lat.	W. long.
CL1 .....	43°07'	69°02'

(2) Unless otherwise restricted under the EFH Closure(s) specified in paragraph (h) of this section, paragraph (d)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraphs (f)(2)(ii) and (iii) of this section.

(e) *Western GOM Closure Area.* (1) No fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in, or on board a vessel in, the area known as the Western GOM Closure Area, as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (e)(2) and (i) of this section:

WESTERN GOM CLOSURE AREA <sup>1</sup>

Point	N. lat.	W. long.
WGM1 .....	42°15'	70°15'
WGM2 .....	42°15'	69°55'
WGM3 .....	43°15'	69°55'
WGM4 .....	43°15'	70°15'
WGM1 .....	42°15'	70°15'

<sup>1</sup> A chart depicting this area is available from the Regional Administrator upon request.

(2) Unless otherwise restricted under paragraph (h) of this section, paragraph (e)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraphs (f)(2)(ii) and (iii) of this section consistent with the requirements specified under § 648.80(a)(5).

(f) *GOM Rolling Closure Areas.* (1) No fishing vessel or person on a fishing vessel may enter, fish in, or be in; and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in, or on board a vessel in GOM Rolling Closure Areas I through V, as described in paragraphs (f)(1)(i) through (v) of this section, for the times specified in paragraphs (f)(1)(i) through (v) of this section, except as specified in paragraphs (f)(2) and (i) of this section. A chart depicting these areas is available from the Regional Administrator upon request.

(i) *Rolling Closure Area I.* From March 1 through March 31, the restrictions

50 CFR Ch. VI (10–1–12 Edition)

specified in this paragraph (f)(1) apply to Rolling Closure Area I, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA I

[March 1–March 31]

Point	N. lat.	W. long.
GM3 .....	42°00'	( <sup>1</sup> )
GM5 .....	42°00'	68°30'
GM6 .....	42°30'	68°30'
GM23 .....	42°30'	70°00'

<sup>1</sup> Cape Cod shoreline on the Atlantic Ocean.

(ii) *Rolling Closure Area II.* From April 1 through April 30, the restrictions specified in this paragraph (f)(1)(ii) apply to Rolling Closure Area II, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA II

[April 1–April 30]

Point	N. Lat.	W. Long.
GM1 .....	42°00'	( <sup>1</sup> )
GM2 .....	42°00'	( <sup>2</sup> )
GM3 .....	42°00'	( <sup>3</sup> )
GM5 .....	42°00'	68°30'
GM13 .....	43°00'	68°30'
GM10 .....	43°00'	( <sup>4</sup> )

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

<sup>4</sup> New Hampshire shoreline.

(iii) *Rolling Closure Area III.* From May 1 through May 31, the restrictions specified in paragraph (f)(1) of this section apply to Rolling Closure Area III, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA III

[May 1–May 31]

Point	N. Lat.	W. Long.
GM1 .....	42°00'	( <sup>1</sup> )
GM2 .....	42°00'	( <sup>2</sup> )
GM3 .....	42°00'	( <sup>3</sup> )
GM4 .....	42°00'	70°00'
GM23 .....	42°30'	70°00'
GM6 .....	42°30'	68°30'
GM14 .....	43°30'	68°30'
GM18 .....	43°30'	( <sup>4</sup> )

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

<sup>4</sup> Maine shoreline.

## Fishery Conservation and Management

§ 648.81

(iv) *Rolling Closure Area IV.* From June 1 through June 30, the restrictions specified in this paragraph (f)(1) apply to Rolling Closure Area IV, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA IV  
[June 1–June 30]

Point	N. lat.	W. long.
GM9 .....	42°30'	( <sup>1</sup> )
GM23 .....	42°30'	70°00'
GM17 .....	43°30'	70°00'
GM19 .....	43°30'	67°32' or ( <sup>2</sup> )
GM20 .....	44°00'	67°21' or ( <sup>2</sup> )
GM21 .....	44°00'	69°00'
GM22 .....	( <sup>3</sup> )	69°00'

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> U.S.-Canada maritime boundary.

<sup>3</sup> Maine shoreline.

(v) *Rolling Closure Area V.* From October 1 through November 30, the restrictions specified in this paragraph (f)(1) apply to Rolling Closure Area V, which is the area bounded by straight lines connecting the following points in the order stated:

ROLLING CLOSURE AREA V  
[October 1–November 30]

Point	N. lat.	W. long.
GM1 .....	42°00'	( <sup>1</sup> )
GM2 .....	42°00'	( <sup>2</sup> )
GM3 .....	42°00'	( <sup>3</sup> )
GM4 .....	42°00'	70°00'
GM8 .....	42°30'	70°00'
GM9 .....	42°30'	( <sup>1</sup> )

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

(2) Paragraph (f)(1) of this section does not apply to persons aboard fishing vessels or fishing vessels:

(i) That have not been issued a multispecies permit and that are fishing exclusively in state waters;

(ii) That are fishing with or using exempted gear as defined under this part, or in the Midwater Trawl Gear Exempted Fishery as specified under 648.80(d), and excluding pelagic gillnet gear capable of catching NE multispecies, except for vessels fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided:

(A) The net is attached to the boat and fished in the upper two-thirds of the water column;

(B) The net is marked with the owner's name and vessel identification number;

(C) There is no retention of regulated species; and

(D) There is no other gear on board capable of catching NE multispecies;

(iii) That are fishing under charter/party or recreational regulations, provided that:

(A) For vessels fishing under charter/party regulations in a Rolling Closure Area described under paragraph (f)(1) of this section, it has on board a letter of authorization issued by the Regional Administrator, which is valid from the date of enrollment through the duration of the closure or 3 months duration, whichever is greater; for vessels fishing under charter/party regulations in the Cashes Ledge Closure Area or Western GOM Area Closure, as described under paragraph (d) and (e) of this section, respectively, it has on board a letter of authorization issued by the Regional Administrator, which is valid from the date of enrollment until the end of the fishing year;

(B) Fish species managed by the NEFMC or MAFMC that are harvested or possessed by the vessel, are not sold or intended for trade, barter or sale, regardless of where the fish are caught; and

(C) The vessel has no gear other than rod and reel or handline on board; and

(D) The vessel does not use any NE multispecies DAS during the entire period for which the letter of authorization is valid;

(iv) That are fishing with or using scallop dredge gear when fishing under a scallop DAS or when lawfully fishing in the Scallop Dredge Fishery Exemption Area as described in §648.80(a)(11), provided the vessel does not retain any regulated NE multispecies during a trip, or on any part of a trip; or

(v) That are fishing in the Raised Footrope Trawl Exempted Whiting Fishery, as specified in §648.80(a)(15), and in the GOM Rolling Closure Area V, as specified in paragraph (f)(1)(v) of this section.

(vi) That are fishing on a sector trip, or under the provisions of a Northeast

# § 648.81

multispecies Handgear A permit, as specified at § 648.82(b)(6), provided such vessels comply with the following restricted areas referred to as the Sector Rolling Closure Areas:

(A) *Sector Rolling Closure Area II.* From April 1 through April 30, the restrictions specified in this paragraph (f)(2)(vi) apply to Sector Rolling Closure Area II, which is the area bounded by straight lines connecting the following points in the order stated:

## SECTOR ROLLING CLOSURE AREA II [April 1–April 30]

Point	N. latitude	W. longitude
GM1 .....	42°00'	(1)
GM2 .....	42°00'	(2)
GM3 .....	42°00'	(3)
SGM1 .....	42°00'	70°00'
SGM2 .....	43°00'	70°00'
SGM3 .....	43°00'	(4)

<sup>1</sup> MA shoreline.

<sup>2</sup> Cape Cod, MA shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod, MA shoreline on the Atlantic Ocean.

<sup>4</sup> NH shoreline.

(B) *Sector Rolling Closure Area III.* From May 1 through May 31, the restrictions specified in this paragraph (f)(2)(vi) apply to Sector Rolling Closure Area III, which is the area bounded by straight lines connecting the following points in the order stated:

## SECTOR ROLLING CLOSURE AREA III [May 1–May 31]

Point	N. latitude	W. longitude
SGM4 .....	42°30'	(1)
SGM5 .....	42°30'	70°00'
SGM6 .....	43°00'	70°00'
SGM7 .....	43°00'	69°30'
SGM8 .....	43°30'	69°30'
GM18 .....	43°30'	(2)

<sup>1</sup> MA shoreline.

<sup>2</sup> ME shoreline.

(C) *Sector Rolling Closure Area IV.* From June 1 through June 30, the restrictions specified in this paragraph (f)(2)(vi) apply to Sector Rolling Closure Area IV, which is the area bounded by straight lines connecting the following points in the order stated:

## SECTOR ROLLING CLOSURE AREA IV [June 1–June 30]

Point	N. latitude	W. longitude
SGM9 .....	43°00'	(1)
SGM6 .....	43°00'	70°00'
SGM10 .....	43°30'	70°00'
SGM11 .....	43°30'	69°00'

# 50 CFR Ch. VI (10–1–12 Edition)

## SECTOR ROLLING CLOSURE AREA IV— Continued [June 1–June 30]

Point	N. latitude	W. longitude
GM22 .....	(2)	69°00'

<sup>1</sup> NH shoreline.

<sup>2</sup> ME shoreline.

(g) *GB Seasonal Closure Area.* (1) From May 1 through May 31, no fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in the area known as the GB Seasonal Closure Area, as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (g)(2) and (i) of this section:

## GEORGES BANK SEASONAL CLOSURE AREA [May 1–May 31]

Point	N. lat.	W. long.
GB1 .....	42°00'	(1)
GB2 .....	42°00'	68°30'
GB3 .....	42°20'	68°30'
GB4 .....	42°20'	67°20'
GB5 .....	41°30'	67°20'
CI1 .....	41°30'	69°23'
CI2 .....	40°45'	68°45'
CI3 .....	40°45'	68°30'
GB6 .....	40°30'	68°30'
GB7 .....	40°30'	69°00'
G10 .....	40°50'	69°00'
GB8 .....	40°50'	69°30'
GB9 .....	41°00'	69°30'
GB10 .....	41°00'	70°00'
G12 .....	(1)	70° 00'

<sup>1</sup> Northward to its intersection with the shoreline of mainland MA.

(2) Paragraph (g)(1) of this section does not apply to persons on fishing vessels or to fishing vessels:

(i) That meet the criteria in paragraphs (f)(2)(i) or (ii) of this section;

(ii) That are fishing as charter/party or recreational vessels;

(iii) That are fishing with or using scallop dredge gear when fishing under a scallop DAS, and provided that the vessel complies with the NE multispecies possession restrictions for scallop vessels specified at § 648.80(h); or when lawfully fishing in the Scallop Dredge Fishery Exemption Areas, as described in paragraphs (a)(11) and (18) of this section.

(iv) That are fishing in the CA I Hook Gear Haddock Access Area pursuant to § 648.85(b)(7).

## Fishery Conservation and Management

§ 648.81

(v) That are fishing under the restrictions and conditions of an approved sector operations plan, as specified in § 648.87(c).

(vi) That are fishing under the provisions of a Northeast multispecies Handgear A permit, as specified at § 648.82(b)(6), or the provisions of a Northeast multispecies Handgear B permit, as specified at § 648.88(a).

(h) *Essential Fish Habitat Closure Areas.* (1) In addition to the restrictions under paragraphs (a) through (e) of this section, no fishing vessel or person on a fishing vessel with bottom tending mobile gear on board the vessel may enter, fish in, or be in the EFH Closure Areas described in paragraphs (h)(1)(i) through (vi) of this section, unless otherwise specified. A chart depicting these areas is available from the Regional Administrator upon request.

(i) *Western GOM Habitat Closure Area.* The restrictions specified in paragraph (h)(1) of this section apply to the Western GOM Habitat Closure Area, which is the area bound by straight lines connecting the following points in the order stated:

### WESTERN GOM HABITAT CLOSURE AREA

Point	N. lat.	W. long.
WGM4 .....	43°15'	70°15'
WGM1 .....	42°15'	70°15'
WGM5 .....	42°15'	70°00'
WGM6 .....	43°15'	70°00'
WGM4 .....	43°15'	70°15'

(ii) *Cashes Ledge Habitat Closure Area.* The restrictions specified in paragraph (h)(1) of this section apply to the Cashes Ledge Habitat Closure Area, which is the area defined by straight lines connecting the following points in the order stated:

### CASHES LEDGE HABITAT CLOSURE AREA

Point	N. lat.	W. long.
CLH1 .....	43°01'	69°03'
CLH2 .....	43°01'	68°52'
CLH3 .....	42°45'	68°52'
CLH4 .....	42°45'	69°03'
CLH1 .....	43°01'	69°03'

(iii) *Jeffrey's Bank Habitat Closure Area.* The restrictions specified in paragraph (h)(1) of this section apply to the Jeffrey's Bank Habitat Closure Area, which is the area bound by straight

lines connecting the following points in the order stated:

### JEFFREY'S BANK HABITAT CLOSURE AREA

Point	N. lat.	W. long.
JB1 .....	43°40'	68°50'
JB2 .....	43°40'	68°40'
JB3 .....	43°20'	68°40'
JB4 .....	43°20'	68°50'
JB1 .....	43°40'	68°50'

(iv) *Closed Area I Habitat Closure Areas.* The restrictions specified in paragraph (h)(1) of this section apply to the Closed Area I Habitat Closure Areas, Closed Area I-North and Closed Area I-South, which are the areas bound by straight lines connecting the following points in the order stated:

### CLOSED AREA I—NORTH HABITAT CLOSURE AREA

Point	N. lat.	W. long.
CI1 .....	41°30'	69°23'
CI4 .....	41°30'	68°30'
CIH1 .....	41°26'	68°30'
CIH2 .....	41°04'	69°01'
CI1 .....	41°30'	69°23'

### CLOSED AREA I—SOUTH HABITAT CLOSURE AREA

Point	N. lat.	W. long.
CIH3 .....	40°55'	68°53'
CIH4 .....	40°58'	68°30'
CI3 .....	40°45'	68°30'
CI2 .....	40°45'	68°45'
CIH3 .....	40°55'	68°53'

(v) *Closed Area II Habitat Closure Area.* The restrictions specified in this paragraph (h)(1) apply to the Closed Area II Habitat Closure Area (also referred to as the Habitat Area of Particular Concern), which is the area bound by straight lines connecting the following points in the order stated:

### CLOSED AREA II HABITAT CLOSURE AREA

Point	N. Lat.	W. Long.
CIH1 .....	42°10'	67°20'
CIH2 .....	42°10'	67°9.3'
CIH3 .....	42°00'	67°0.5'
CIH4 .....	42°00'	67°10'
CIH5 .....	41°50'	67°10'
CIH6 .....	41°50'	67°20'
CIH1 .....	42°10'	67°20'

(vi) *Nantucket Lightship Habitat Closure Area.* The restrictions specified in paragraph (h)(1) of this section apply to

§ 648.81

the Nantucket Lightship Habitat Closure Area, which is the area bound by straight lines connecting the following points in the order stated:

NANTUCKET LIGHTSHIP HABITAT CLOSED AREA

Point	N. lat.	W. long.
NLH1 .....	41°10'	70°00'
NLH2 .....	41°10'	69°50'
NLH3 .....	40°50'	69°30'
NLH4 .....	40°20'	69°30'
NLH5 .....	40°20'	70°00'
NLH1 .....	41°10'	70°00'

(2) [Reserved]

(i) *Transiting*. Unless otherwise restricted or specified in this paragraph (i), a vessel may transit CA I, the Nantucket Lightship Closed Area, the Cashes Ledge Closed Area, the Western GOM Closure Area, the GOM Rolling Closure Areas, the GB Seasonal Closure Area, the EFH Closure Areas, and the GOM Cod Spawning Protection Area, as defined in paragraphs (a)(1), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1), (h)(1), and (o)(1), of this section, respectively, provided that its gear is stowed in accordance with the provisions of §648.23(b). A vessel may transit CA II, as defined in paragraph (b)(1) of this section, in accordance with paragraph (b)(2)(iv) of this section. Private recreational or charter/party vessels fishing under the Northeast multispecies provisions specified at §648.89 may transit the GOM Cod Spawning Protection Area, as defined in paragraph (o)(1) of this section, provided all bait and hooks are removed from fishing rods, and any regulated species on board have been caught outside the GOM Cod Spawning Protection Area and has been gutted and stored.

(j) *Restricted Gear Area I*. (1) Restricted Gear Area I is defined by straight lines connecting the following points in the order stated:

Point	N. latitude	W. longitude
<b>Inshore Boundary</b>		
to 120		
69 .....	40°07.9'	68°36.0'
70 .....	40°07.2'	68°38.4'
71 .....	40°06.9'	68°46.5'
72 .....	40°08.7'	68°49.6'
73 .....	40°08.1'	68°51.0'
74 .....	40°05.7'	68°52.4'
75 .....	40°03.6'	68°57.2'
76 .....	40°03.65'	69°00.0'
77 .....	40°04.35'	69°00.5'

50 CFR Ch. VI (10–12 Edition)

Point	N. latitude	W. longitude
78 .....	40°05.2'	69°00.5'
79 .....	40°05.3'	69°01.1'
80 .....	40°08.9'	69°01.75'
81 .....	40°11.0'	69°03.8'
82 .....	40°11.6'	69°05.4'
83 .....	40°10.25'	69°04.4'
84 .....	40°09.75'	69°04.15'
85 .....	40°08.45'	69°03.6'
86 .....	40°05.65'	69°03.55'
87 .....	40°04.1'	69°03.9'
88 .....	40°02.65'	69°05.6'
89 .....	40°02.00'	69°08.35'
90 .....	40°02.65'	69°11.15'
91 .....	40°00.05'	69°14.6'
92 .....	39°57.8'	69°20.35'
93 .....	39°56.65'	69°24.4'
94 .....	39°56.1'	69°26.35'
95 .....	39°56.55'	69°34.1'
96 .....	39°57.85'	69°35.5'
97 .....	40°00.65'	69°36.5'
98 .....	40°00.9'	69°37.3'
99 .....	39°59.15'	69°37.3'
100 .....	39°58.8'	69°38.45'
102 .....	39°56.2'	69°40.2'
103 .....	39°55.75'	69°41.4'
104 .....	39°56.7'	69°53.6'
105 .....	39°57.55'	69°54.05'
106 .....	39°57.4'	69°55.9'
107 .....	39°56.9'	69°57.45'
108 .....	39°58.25'	70°03.0'
110 .....	39°59.2'	70°04.9'
111 .....	40°00.7'	70°08.7'
112 .....	40°03.75'	70°10.15'
115 .....	40°05.2'	70°10.9'
116 .....	40°02.45'	70°14.1'
119 .....	40°02.75'	70°16.1'
to 181		

Offshore Boundary

to 69		
120 .....	40°06.4'	68°35.8'
121 .....	40°05.25'	68°39.3'
122 .....	40°05.4'	68°44.5'
123 .....	40°06.0'	68°46.5'
124 .....	40°07.4'	68°49.6'
125 .....	40°05.55'	68°49.8'
126 .....	40°03.9'	68°51.7'
127 .....	40°02.25'	68°55.4'
128 .....	40°02.6'	69°00.0'
129 .....	40°02.75'	69°00.75'
130 .....	40°04.2'	69°01.75'
131 .....	40°06.15'	69°01.95'
132 .....	40°07.25'	69°02.0'
133 .....	40°08.5'	69°02.25'
134 .....	40°09.2'	69°02.95'
135 .....	40°09.75'	69°03.3'
136 .....	40°09.55'	69°03.85'
137 .....	40°08.4'	69°03.4'
138 .....	40°07.2'	69°03.3'
139 .....	40°06.0'	69°03.1'
140 .....	40°05.4'	69°03.05'
141 .....	40°04.8'	69°03.05'
142 .....	40°03.55'	69°03.55'
143 .....	40°01.9'	69°03.95'
144 .....	40°01.0'	69°04.4'
146 .....	39°59.9'	69°06.25'
147 .....	40°00.6'	69°10.05'
148 .....	39°59.25'	69°11.15'
149 .....	39°57.45'	69°16.05'
150 .....	39°56.1'	69°20.1'
151 .....	39°54.6'	69°25.65'
152 .....	39°54.65'	69°26.9'
153 .....	39°54.8'	69°30.95'

# Fishery Conservation and Management

§ 648.81

Point	N. latitude	W. longitude
154 .....	39°54.35'	69°33.4'
155 .....	39°55.0'	69°34.9'
156 .....	39°56.55'	69°36.0'
157 .....	39°57.95'	69°36.45'
158 .....	39°58.75'	69°36.3'
159 .....	39°58.8'	69°36.95'
160 .....	39°57.95'	69°38.1'
161 .....	39°54.5'	69°38.25'
162 .....	39°53.6'	69°46.5'
163 .....	39°54.7'	69°50.0'
164 .....	39°55.25'	69°51.4'
165 .....	39°55.2'	69°53.1'
166 .....	39°54.85'	69°53.9'
167 .....	39°55.7'	69°54.9'
168 .....	39°56.15'	69°55.35'
169 .....	39°56.05'	69°56.25'
170 .....	39°55.3'	69°57.1'
171 .....	39°54.8'	69°58.6'
172 .....	39°56.05'	70°00.65'
173 .....	39°55.3'	70°02.95'
174 .....	39°56.9'	70°11.3'
175 .....	39°58.9'	70°11.5'
176 .....	39°59.6'	70°11.1'
177 .....	40°01.35'	70°11.2'
178 .....	40°02.6'	70°12.0'
179 .....	40°00.4'	70°12.3'
180 .....	39°59.75'	70°13.05'
181 .....	39°59.3'	70°14.0'
to 119		

(2) *Restricted Period*—(i) *Mobile gear*. From October 1 through June 15, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish or be in Restricted Gear Area I, unless transiting. Vessels may transit this area provided that mobile gear is on board the vessel while inside the area, provided that its gear is stowed in accordance with the provisions of §648.23(b).

(ii) *Lobster pot gear*. From June 16 through September 30, no fishing vessel with lobster pot gear aboard, or person on a fishing vessel with lobster pot gear aboard may fish in, and no lobster pot gear may be deployed or remain in, Restricted Gear Area I.

(k) *Restricted Gear Area II*. (1) Restricted Gear Area II is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
to 1		
49 .....	40°02.75' N.	70°16.1' W.
50 .....	40°00.7' N.	70°18.6' W.
51 .....	39°59.8' N.	70°21.75' W.
52 .....	39°59.75' N.	70°25.5' W.
53 .....	40°03.85' N.	70°28.75' W.
54 .....	40°00.55' N.	70°32.1' W.
55 .....	39°59.15' N.	70°34.45' W.
56 .....	39°58.9' N.	70°38.65' W.
57 .....	40°00.1' N.	70°45.1' W.
58 .....	40°00.5' N.	70°57.6' W.

Point	Latitude	Longitude
59 .....	40°02.0' N.	71°01.3' W.
60 .....	39°59.3' N.	71°18.4' W.
61 .....	40°00.7' N.	71°19.8' W.
62 .....	39°57.5' N.	71°20.6' W.
63 .....	39°53.1' N.	71°36.1' W.
64 .....	39°52.6' N.	71°40.35' W.
65 .....	39°53.1' N.	71°42.7' W.
66 .....	39°46.95' N.	71°49.0' W.
67 .....	39°41.15' N.	71°57.1' W.
68 .....	39°35.45' N.	72°02.0' W.
69 .....	39°32.65' N.	72°06.1' W.
70 .....	39°29.75' N.	72°09.8' W.
to 48		

<b>Offshore Boundary</b>		
to 49		
1 .....	39°59.3' N.	70°14.0' W.
2 .....	39°58.85' N.	70°15.2' W.
3 .....	39°59.3' N.	70°18.4' W.
4 .....	39°58.1' N.	70°19.4' W.
5 .....	39°57.0' N.	70°19.85' W.
6 .....	39°57.55' N.	70°21.25' W.
7 .....	39°57.5' N.	70°22.8' W.
8 .....	39°57.1' N.	70°25.4' W.
9 .....	39°57.65' N.	70°27.05' W.
10 .....	39°58.58' N.	70°27.7' W.
11 .....	40°00.65' N.	70°28.8' W.
12 .....	40°02.2' N.	70°29.15' W.
13 .....	40°01.0' N.	70°30.2' W.
14 .....	39°58.58' N.	70°31.85' W.
15 .....	39°57.05' N.	70°34.35' W.
16 .....	39°56.42' N.	70°36.8' W.
21 .....	39°58.15' N.	70°48.0' W.
24 .....	39°58.3' N.	70°51.1' W.
25 .....	39°58.1' N.	70°52.25' W.
26 .....	39°58.05' N.	70°53.55' W.
27 .....	39°58.4' N.	70°59.6' W.
28 .....	39°59.8' N.	71°01.05' W.
29 .....	39°58.2' N.	71°05.85' W.
30 .....	39°57.45' N.	71°12.15' W.
31 .....	39°57.2' N.	71°15.0' W.
32 .....	39°56.3' N.	71°18.95' W.
33 .....	39°51.4' N.	71°36.1' W.
34 .....	39°51.75' N.	71°41.5' W.
35 .....	39°50.05' N.	71°42.5' W.
36 .....	39°50.0' N.	71°45.0' W.
37 .....	39°48.95' N.	71°46.05' W.
38 .....	39°46.6' N.	71°46.1' W.
39 .....	39°43.5' N.	71°49.4' W.
40 .....	39°41.3' N.	71°55.0' W.
41 .....	39°39.0' N.	71°55.6' W.
42 .....	39°36.72' N.	71°58.25' W.
43 .....	39°35.15' N.	71°58.55' W.
44 .....	39°34.5' N.	72°00.75' W.
45 .....	39°32.2' N.	72°02.25' W.
46 .....	39°32.15' N.	72°04.1' W.
47 .....	39°28.5' N.	72°06.5' W.
48 .....	39°29.0' N.	72°09.25' W.
to 70		

(2) *Restricted period*—(i) *Mobile gear*. From November 27 through June 15, no fishing vessel with mobile gear aboard, or person on a fishing vessel with mobile gear aboard, may fish or be in Restricted Gear Area II, unless transiting. Vessels may transit this area, provided that all mobile gear is on board the vessel while inside the area, and stowed in accordance with the provisions of §648.23(b).



§ 648.81

(ii) *Lobster pot gear.* From June 16 through November 26, no fishing vessel with lobster pot gear aboard, or person on a fishing vessel with lobster pot gear aboard, may fish in, and no lobster pot gear may be deployed or remain in, Restricted Gear Area II.

(1) *Restricted Gear Area III.* (1) Restricted Gear Area III is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
to 49		
182 .....	40°05.6' N.	70°17.7' W.
183 .....	40°06.5' N.	70°40.05' W.
184 .....	40°11.05' N.	70°45.8' W.
185 .....	40°12.75' N.	70°55.05' W.
186 .....	40°10.7' N.	71°10.25' W.
187 .....	39°57.9' N.	71°28.7' W.
188 .....	39°55.6' N.	71°41.2' W.
189 .....	39°55.85' N.	71°45.0' W.
190 .....	39°53.75' N.	71°52.25' W.
191 .....	39°47.2' N.	72°01.6' W.
192 .....	39°33.65' N.	72°15.0' W.
to 70		
<b>Offshore Boundary</b>		
to 182		
49 .....	40°02.75' N.	70°16.1' W.
50 .....	40°00.7' N.	70°18.6' W.
51 .....	39°59.8' N.	70°21.75' W.
52 .....	39°59.75' N.	70°25.5' W.
53 .....	40°03.85' N.	70°28.75' W.
54 .....	40°00.55' N.	70°32.1' W.
55 .....	39°59.15' N.	70°34.45' W.
56 .....	39°58.9' N.	70°38.65' W.
57 .....	40°00.1' N.	70°45.1' W.
58 .....	40°00.5' N.	70°57.6' W.
59 .....	40°02.0' N.	71°01.3' W.
60 .....	39°59.3' N.	71°18.4' W.
61 .....	40°00.7' N.	71°19.8' W.
62 .....	39°57.5' N.	71°20.6' W.
63 .....	39°53.1' N.	71°36.1' W.
64 .....	39°52.6' N.	71°40.35' W.
65 .....	39°53.1' N.	71°42.7' W.
66 .....	39°46.95' N.	71°49.0' W.
67 .....	39°41.15' N.	71°57.1' W.
68 .....	39°35.45' N.	72°02.0' W.
69 .....	39°32.65' N.	72°06.1' W.
70 .....	39°29.75' N.	72°09.8' W.
to 192		

(2) *Restricted period—(i) Mobile gear.* From June 16 through November 26, no fishing vessel with mobile gear aboard, or person on a fishing vessel with mobile gear aboard, may fish or be in Restricted Gear Area III, unless transiting. Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area, and is stowed in accordance with the provisions of § 648.23(b).

(ii) *Lobster pot gear.* From January 1 through April 30, no fishing vessel with

50 CFR Ch. VI (10–1–12 Edition)

lobster pot gear aboard, or person on a fishing vessel with lobster pot gear aboard, may fish in, and no lobster pot gear may be deployed or remain in, Restricted Gear Area III.

(m) *Restricted Gear Area IV.* (1) Restricted Gear Area IV is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
193 .....	40°13.60' N.	68°40.60' W.
194 .....	40°11.60' N.	68°53.00' W.
195 .....	40°14.00' N.	69°04.70' W.
196 .....	40°14.30' N.	69°05.80' W.
197 .....	40°05.50' N.	69°09.00' W.
198 .....	39°57.30' N.	69°25.10' W.
199 .....	40°00.40' N.	69°35.20' W.
200 .....	40°01.70' N.	69°35.40' W.
201 .....	40°01.70' N.	69°37.40' W.
202 .....	40°00.50' N.	69°38.80' W.
203 .....	40°01.30' N.	69°45.00' W.
204 .....	40°02.10' N.	69°45.00' W.
205 .....	40°07.60' N.	70°04.50' W.
206 .....	40°07.80' N.	70°09.20' W.
to 119		
<b>Offshore Boundary</b>		
69 .....	40°07.90' N.	68°36.00' W.
70 .....	40°07.20' N.	68°38.40' W.
71 .....	40°06.90' N.	68°46.50' W.
72 .....	40°08.70' N.	68°49.60' W.
73 .....	40°08.10' N.	68°51.00' W.
74 .....	40°05.70' N.	68°52.40' W.
75 .....	40°03.60' N.	68°57.20' W.
76 .....	40°03.65' N.	69°00.00' W.
77 .....	40°04.35' N.	69°00.50' W.
78 .....	40°05.20' N.	69°00.50' W.
79 .....	40°05.30' N.	69°01.10' W.
80 .....	40°08.90' N.	69°01.75' W.
81 .....	40°11.00' N.	69°03.80' W.
82 .....	40°11.60' N.	69°05.40' W.
83 .....	40°10.25' N.	69°04.40' W.
84 .....	40°09.75' N.	69°04.15' W.
85 .....	40°08.45' N.	69°03.60' W.
86 .....	40°05.65' N.	69°03.55' W.
87 .....	40°04.10' N.	69°03.90' W.
88 .....	40°02.65' N.	69°05.60' W.
89 .....	40°02.00' N.	69°08.35' W.
90 .....	40°02.65' N.	69°11.15' W.
91 .....	40°00.05' N.	69°14.60' W.
92 .....	39°57.8' N.	69°20.35' W.
93 .....	39°56.75' N.	69°24.40' W.
94 .....	39°56.50' N.	69°26.35' W.
95 .....	39°56.80' N.	69°34.10' W.
96 .....	39°57.85' N.	69°35.05' W.
97 .....	40°00.65' N.	69°36.50' W.
98 .....	40°00.90' N.	69°37.30' W.
99 .....	39°59.15' N.	69°37.30' W.
100 .....	39°58.80' N.	69°38.45' W.
102 .....	39°56.20' N.	69°40.20' W.
103 .....	39°55.75' N.	69°41.40' W.
104 .....	39°56.70' N.	69°53.60' W.
105 .....	39°57.55' N.	69°54.05' W.
106 .....	39°57.40' N.	69°55.90' W.
107 .....	39°56.90' N.	69°57.45' W.
108 .....	39°58.25' N.	70°03.00' W.
110 .....	39°59.20' N.	70°04.90' W.
111 .....	40°00.70' N.	70°08.70' W.
112 .....	40°03.75' N.	70°10.15' W.

## Fishery Conservation and Management

§ 648.82

Point	Latitude	Longitude
115 .....	40°05.20' N.	70°10.90' W.
116 .....	40°02.45' N.	70°14.1' W.
119 .....	40°02.75' N.	70°16.1' W.
to 206		

(2) *Restricted period*—(i) *Mobile gear*. From June 16 through September 30, no fishing vessel with mobile gear aboard, or person on a fishing vessel with mobile gear aboard may fish or be in Restricted Gear Area IV, unless transiting. Vessels may transit this area, provided that all mobile gear is on board the vessel while inside the area, and is stowed in accordance with the provisions of § 648.23(b).

(ii) [Reserved]

(n) *GOM Cod Spawning Protection Area*. (1) Except as specified in paragraph (n)(2) of this section, from April through June of each year, no fishing vessel or person on a fishing vessel may enter, fish in, or be in; and no fishing gear capable of catching NE multispecies may be used on, or be on board, a vessel in the GOM Cod Spawning Protection Area, as defined by straight lines connecting the following points in the order stated (a chart depicting this area is available from the RA upon request):

### GOM COD SPAWNING PROTECTION AREA

Point	N. latitude	W. longitude
CSPA1 .....	42°50.95'	70°32.22'
CSPA2 .....	42°47.65'	70°35.64'
CSPA3 .....	42°54.91'	70°41.88'
CSPA4 .....	42°58.27'	70°38.64'
CSPA1 .....	42°50.95'	70°32.22'

(2) Paragraph (n)(1) of this section does not apply to persons on a fishing vessel or fishing vessels:

(i) That have not been issued a NE multispecies permit and that are fishing exclusively in state waters;

(ii) That are fishing with or using exempted gear as defined under this part, excluding pelagic gillnet gear capable of catching NE multispecies, except for vessels fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided:

(A) The net is attached to the vessel and fished in the upper two-thirds of the water column;

(B) The net is marked with the vessel owner's name and vessel identification number;

(C) There is no retention of regulated species or ocean pout; and

(D) There is no other gear on board capable of catching NE multispecies;

(iii) That are fishing as a charter/party or recreational fishing vessel, provided that:

(A) With the exception of tuna, fish harvested or possessed by the vessel are not sold or intended for trade, barter, or sale, regardless where the species are caught;

(B) The vessel has no gear other than pelagic hook and line gear, as defined in this part, on board unless that gear is properly stowed pursuant to § 648.23(b); and

(C) There is no retention of regulated species, or ocean pout; and

(iv) That are transiting pursuant to paragraph (i) of this section.

[69 FR 22964, Apr. 27, 2004, as amended at 69 FR 35223, June 23, 2004; 69 FR 63480, Nov. 2, 2004; 69 FR 67798, Nov. 19, 2004; 70 FR 76426, Dec. 27, 2005; 71 FR 51784, Aug. 31, 2006; 72 FR 73279, Dec. 27, 2007; 75 FR 18317, Apr. 9, 2010; 76 FR 23071, Apr. 25, 2011; 76 FR 42584, July 19, 2011; 77 FR 26123, May 2, 2012]

### § 648.82 Effort-control program for NE multispecies limited access vessels.

(a) Except as provided in §§ 648.17 and 648.82(a)(2), a vessel issued a limited access NE multispecies permit may not fish for, possess, or land regulated species, except during a DAS, as allocated under, and in accordance with, the applicable DAS program described in this section, unless otherwise provided elsewhere in this part.

(1) *End-of-year carry-over*. With the exception of vessels that held a Confirmation of Permit History, as described in § 648.4(a)(1)(i)(J), for the entire fishing year preceding the carry-over year, limited access vessels that have unused DAS on the last day of April of any year may carry over a maximum of 10 DAS into the next year. Unused leased DAS may not be carried over. Vessels that have been sanctioned through enforcement proceedings will be credited with unused DAS based on their DAS allocation minus any total DAS that have been sanctioned through enforcement proceedings. For